

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court No. DA 20-0366

STATE OF MONTANA

Plaintiff and Appellee,

v.

ERICA ANN DION,

Defendant and Appellant.

**APPELLANT'S SECOND OR SUBSEQUENT
MOTION FOR EXTENSION OF TIME**

COMES NOW, Colin M. Stephens, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until October 20, 2021, to prepare, file and serve the Appellant's opening brief in the above-entitled matter. Appellant's opening brief was first due on October 19, 2020 and is currently due on September 20, 2021. This is Appellant's twelfth extension request for the opening, but it is the fourth extension sought since undersigned counsel has appeared in this case. Opposing counsel has been contacted concerning this motion and **does not object**.

Dated this 20th day of September, 2021.

/s/ Colin M. Stephens

Colin M. Stephens
SMITH & STEPHENS, P.C.

Attorney for Defendant & Appellant

STATE OF MONTANA)
 : ss.
County of Missoula)

I, Colin M. Stephens, pursuant to § 1-1-203, MCA, declare:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed at Smith & Stephens, P.C. as an attorney.
2. The Appellant's Opening Brief was initially due on October 20, 2020 and is currently due on September 20, 2021. This is the twelfth extension requested in this appeal.
3. The undersigned has completed reviewing the record and conferenced with Dion regarding her appeal multiple times. Counsel still needs additional time to draft a brief on appeal and consult with the client before submitting for the Court's review.
4. After two of the undersigned's trial cases involving homicide charges were continued and resolved at the eleventh hour, respectively, trial counsel has been working to address several appellate cases hindered by trial preparation including this one.
5. Although the deadline for the Opening Brief has been extended many times, the undersigned has only moved for a handful of extensions. He has remained in contact with Ms. Dion and she has not objected to counsel's extensions including

this one.

5.. The State has been contacted and does not object to this extension.

/s/ Colin M. Stephens

Colin M. Stephens

SMITH & STEPHENS, P.C.

Attorney for Defendant & Appellant

CERTIFICATE OF SERVICE

I, Colin M. Stephens, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 09-20-2021:

Chad M. Wright (Attorney)
P.O. Box 200147
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Karen Alley (Govt Attorney)
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Electronically signed by Daniel Kamienski on behalf of Colin M. Stephens
Dated: 09-20-2021